

ORDINANCE TO AMEND SECTIONS 13.03 and 13.05 OF THE VILLAGE OF
STURTEVANT
ORDINANCE PERTAINING TO WELLS.

The Village Board of the Village of Sturtevant, Racine County, Wisconsin do resolve as follows to amend the Ordinance of the Village of Sturtevant Chapter 13 as follows:

13.03 ABANDONMENT OF WELLS.

- 1) **PURPOSE.** To protect public health, safety and welfare, and to prevent contamination of groundwater by assuring that unused, unsafe or non complying wells, or wells which may act as conduits for contamination of groundwater, or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- 2) **APPLICABILITY.** This ordinance applies to all wells located on premises served by the Village of Sturtevant municipal water system.

To repeal and to ammend as follows

3) DEFINITIONS

- (a.) "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- (b.) "Noncomplying" means a well or pump installation which does not comply with §NR 812.42, Wisconsin Administrative Code, Standards for Existing Installation, and which has not been granted a variance pursuant to §NR 812.43, Wisconsin Administrative Code.
- (c.) "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- (d.) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or exceeds the drinking water standards of §NR 812.06, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- (e.) "Unused" means a well or pump installation which is not used or does not have a functional pumping system.
- (f.) "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
- (g.) "Well abandonment" means the filling and sealing of a well according to the provisions of §NR 812.26, Wisconsin Administrative Code

4) ABANDONMENT REQUIRED. Except as otherwise provided herein, all wells on premises served by the municipal water system shall be abandoned in accordance with the terms of the ordinance and Chapter NR 812, Wisconsin Administrative Code, by April 1, 1999 or no later than one year from the date of the mandatory connection to the municipal water system pursuant to Section 13.06 of this Code, whichever date occurs last. A well on property connected to the municipal water system may be maintained for non-household uses only, provided a well operation permit has been obtained by the well owner from the Village of Sturtevant Municipal water department agent or the Village of Sturtevant Plumbing inspector

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5) WELL OPERATION PERMIT. The Village of Sturtevant Municipal water department agent or the Village of Sturtevant Plumbing inspector shall grant a permit to a well owner to operate a well for a period of 1 not to exceed 5 years providing the conditions of this section are met. An owner may renew a well operation permit by submitting information verifying that the conditions of this section are met. The Village of Sturtevant, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Well operation permit applications and renewals shall be made on forms provided by the plumbing inspector. The following conditions must be met for issuance or renewal of a well operation permit:

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- a.) The well and pump installation shall meet or shall be upgraded to meet the requirements of §NR 812.42, Wisconsin Administrative Code, and have a functional pumping system.
- b.) The well construction and pump installation shall have a history of producing bacteriologically safe water as evidenced by at least 2 samples taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resource approves, in writing, the continued use of the well.
- c.) There shall be no cross-connections between the well's pump installation and the municipal water system.
- d.) The proposed use of the well and pump installation can be justified as reasonable in addition to water provided by the municipal water system.

6) ABANDONMENT PROCEDURES.

- a.) All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of §NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- b.) The owner of the well, or the owner's agent, shall notify the Village of Sturtevant Municipal water department agent or the Village of Sturtevant Plumbing inspector at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by a representative from the Sturtevant Water Department.
- c.) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Plumbing inspector and the Department of Natural Resources within 30 days of the completion of the well abandonment.

- 7) PENALTIES.** Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$150.00 nor more than \$500.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

13.05 CROSS CONNECTIONS WITH PUBLIC WATER SYSTEM.

- 1) DEFINITION.** A cross connection is defined as any physical connection or arrangement between 2 otherwise separate systems, one of which contains potable water from the Village water system and the other water from a private source, water of unknown or questionable safety or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the 2 systems.

- 2) CROSS CONNECTIONS PROHIBITED.** No person shall establish or maintain or permit to be established or maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of the municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village Utility Board, Water and Sewer Division and by the Wisconsin Department of Natural Resources in accordance with NR 811.25 (3), Wis. Adm. Code.

- 3) INSPECTIONS.** The Plumbing Inspector or Deputy Plumbing Inspector shall cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Plumbing Inspector and as approved by the Wisconsin Department of Natural Resources. Upon presentation of credentials, the Plumbing Inspector or his deputy shall have the right to request entry at any reasonable time to examine any property served by the connection to the public water system of the Village for cross connections. If entry is refused, such inspector shall obtain a special inspection warrant under §66.122, Wis. Stats. On request the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property

4) .DISCONTINUATION OF WATER SERVICE.

- a.) The Water Department of the Village is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as hereinafter provided. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.

- b.) If it is determined by the Plumbing Inspector or his deputy that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is copied to the Village Clerk/Treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

This ordinance shall take effect upon adoption as provided by law.

Adopted by the Village Board of the Village of Sturtevant, Racine County, Wisconsin this 5th day of July, 2006.

VILLAGE OF STURTEVANT

By: _____
Steven Jansen, Village President

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Attest _____
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Mary Hanstad, Interim Clerk